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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,606	08/30/2001	John S. Erickson	1509-216	6750

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EXAMINER

LY, ANH

ART UNIT PAPER NUMBER

2162

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,606

Applicant(s)

ERICKSON ET AL.

Examiner

Anh Ly

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/29/2004 & 02/14/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is response to Applicants' Amendment and Response filed on 10/29/2004 and 02/14/2005.
2. Claims 9-11 have been added.
3. Claims 1-11 are pending in this Application.

### ***Response to Arguments***

4. Applicant's arguments filed 02/14/2005 and 10/29/2004 have been fully considered but they are not persuasive.

SHEAR et al. (hereinafter SHEAR) of Pub. No.: US 2001/0042043 A1 teaches a rights management for storage media or electronic media container such as DVD having electronic media content stored on it (abstract). The rights management is as copyright protection for information or secure content protection technique. And it has function for copy protection and including a secure software container, media handler for handling or protecting encapsulate by cryptographic techniques (abstract and sections 0031, 0041 and 0051).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub. No.: US 2001/0042043 of SHEAR et al. (hereinafter Shear).

With respect to claim 1, Shear teaches a secure electronic media container for storing, transporting (a secure software container can be used to protectively encapsulate various digital property content and control object information: see abstract, lines 17-21) and/or providing a rights management interface to electronic media content (a rights management for storage media or electronic media container such as DVD having electronic media content stored on it: abstract, sections 0054 and 0056), said container having said electronic media content stored therein and data (providing rights management and protection techniques that satisfying the limited copy protection such as for DVD media: sections 0031 and 0047), external of but attached to or otherwise associated with said container, representative of the media handler and/or a rights management mechanism required to open and play said content (rights management

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technique has function for copy protection and including a secure software container, media handler for handling or protecting encapsulate by cryptographic techniques, abstract and sections 0031, 0041 and 0051 copy protection and rights management are applied in DVD media such as accessing on or read or write on the DVD media: sections 0047-0049 and 0054 and play the music or movie being recorded on the DVD media: sections 0062-0067).

With respect to claim 2, Shear teaches means for determining from said external data what, if any, digital rights management mechanism was used to package said content and for retrieving or otherwise accessing an appropriate digital rights management handler accordingly (rights transfer and other rights management on DVDs' media: Page 7, right column, 0077-0078);

means for passing said content through said digital rights management handler (delivering the content via the copy protection and rights management: Page 4, left column, 0047 and 0051);

means for determining from said external data the media handler required to access and handle the content and for retrieving or otherwise accessing an appropriate media handler (depending on the platform, there are different key management and access techniques to the DVD media: Page 7, right column, 0078);

means for passing said content through said media handler (delivering the content via the copy protection and rights management: Page 4, left column, 0047 and 0051).

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With respect to claim 3, Shear teaches a secure container containing media content having attached or otherwise bound thereto metadata which is universally readable and/or decipherable and describes the underlying media format and digital rights management mechanism(s) employed to package the content (see abstract, Page 4, section 0051-54).

With respect to claim 4, Shear teaches wherein the metadata describing the underlying media format encapsulates the content itself (encapsulating such as encrypting or cryptographic techniques: Page 4, section 0051-0054).

With respect to claim 5, Shear teaches wherein the metadata describing the underlying media format includes a remote network resource address at which the content itself is stored (metadata storing in the storage media including information about the storage: Page 15, left column sections 0213-0215; also see Page 4, left column 0051; also see figs. 7, 9 and 12 and Page 7, left column, 0072).

With respect to claim 6, Shear teaches wherein said metadata includes descriptive metadata relevant to said content and/or a reference to a resource location of a format specification and/or a reference to the location of a "rendering" code registry (Page 16, left column sections 0220-0221).

With respect to claim 7, Shear teaches wherein said metadata describing the digital rights management mechanism(s) employed to package the content may refer to an installed component on a local system or a remote component or network service (Page 24, left column, sections 0343-0347 and right column, sections 00351-0354;).

Claim 8 is essentially the same as claim 2 except that it is directed to a method rather than an apparatus, and is rejected for the same reason as applied to the claim 2 hereinabove.

With respect to claim 9, Shear teaches wherein the data are external and attached to the container (sections 0220 and 0284-0285).

With respect to claim 10, Shear teaches determining from said external data what, if any, digital rights management mechanism was used to package said content and for retrieving or otherwise accessing an appropriate digital rights management handler accordingly (protecting the data on the media by re-distributing rights protected digital content from reading, retrieving, copying such as read-only on the DVD: sections 0043 and 0046-0047);

passing said content through said digital rights management handler (sections 0052 and 0054); and

determining from said external data the media handler required to access and handle the content and for retrieving or otherwise accessing a content and for retrieving or otherwise accessing an appropriate media handler (sections 0122-0123 and 0287).

With respect to claim 11, Shear teaches the steps of reading the external data and determining what, if any, digital rights management mechanism was used to package said content, retrieving or otherwise accessing an appropriate digital rights management handler accordingly (sections 0043 and 0046-0047);

passing said content through said digital rights management handler, reading the external data (sections 0052 and 0054); and

determining the media handler required to access and handle the contents, retrieving or otherwise accessing the determined media handler and passing said content through said media handler (sections 0122-0123 and 0287).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.




**Contact Information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV or fax to **(571) 273-4039**. The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or **Primary Examiner Jean Corrielus (571) 272-4032**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or faxed to: Central Fax Center **(571) 273-8300**

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER

ANH LY   
JUL. 22<sup>nd</sup>, 2005